

REMARKS

All of the claims stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 23 and 28 have been canceled herein.

Claims 36-39 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 1,086,715 (Irish).

Claim 20 would be allowable if rewritten or amended to overcome the 35 USC 112, second paragraph rejection. Claims 21-32 would be allowable if rewritten or amended to overcome the 35 USC 112, second paragraph rejection, and to include all of the limitations of the base claim and any intervening claims.

Response to Rejections Under Section 112:

Applicant has amended claim 20 to reflect the comments presented by Examiner, which Applicant again appreciates. Applicant has added fuel discharge openings as structure for creating a concentration distribution of fuel, and a redirecting surface as structure for redirecting the flow. Applicant has also incorporated a channel in claim 20 in order to provide the relationship between the structures. Applicant has incorporated similar changes to claim 36. Applicant has also attempted to correct the remaining listed errors. Changes to claim 27 are supported at least in part by figure 1, and paragraph 12 of the originally filed specification. Applicant respectfully requests the 35 USC 112 rejection of claims 20-22, 24-27, 29-32, and 36-39 be withdrawn.

Response to Rejections Under Section 102:

In amended claim 36, Applicant claims “a means for providing a flow of compressed air and/or oxygen in a flow direction in a channel...wherein...the channel is embodied annularly around the burner longitudinal axis.” In contrast, Irish teaches a four sided plate with installed in a recessed, four sided chamber, which is on the upstream side of the plate only. Without a channel embodied annularly around the burner longitudinal axis, Irish cannot teach this aspect of Applicant’s claim 36. Applicant respectfully requests the 35 USC 102 rejection of claim 36, and

claims 37-39, which depend from and include all the limitations of claim 26, based on Irish, be withdrawn.

Conclusion

Applicants respectfully request reconsideration and allowance of the present application in view of the foregoing arguments. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: April 14, 2009

By: Janet D. Hood
Janet D. Hood
Registration No. 61,142
(407) 736-4234

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830